

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Todd A. Berg et al.
Application No. : 10/659,951 Confirmation No.: 5856
Filed : September 10, 2003
For : VESSEL CUTTING DEVICES
Art Unit : 3731
Examiner : Todd E. Manahan

Mail Stop AMENDMENT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b,c)

Sir:

ST. JUDE MEDICAL ATG, INC., a corporation of the State of Minnesota, having its principal office and place of business at One Lillehei Plaza, St. Paul, Minnesota 55117-9913, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following United States patent and pending United States patent application:

1. U.S. Patent No. 6,416,527 for "VESSEL CUTTING DEVICE," issued July 9, 2002, on Application No. 09/014,759, filed January 28, 1998. An assignment of the '759 application by the inventors to VASCULAR SCIENCE INC. was recorded on January 28, 1998 at Reel 9004, Frames 512-15. VASCULAR SCIENCE INC. subsequently changed its name first to ST. JUDE MEDICAL CARDIOVASCULAR GROUP, INC. (see assignment at

Reel 10395, Frames 830-33), and then to ST. JUDE MEDICAL ATG, INC. (see assignment at Reel 12691, Frames 368-78).

2. Application No. 10/659,951, filed September 10, 2003 as a continuation of Application No. 09/850,021, filed May 7, 2001 as a continuation of the '759 application. The aforementioned assignments of the '759 application are effective for the '951 application as a continuation of a continuation.

The undersigned, on behalf of ST. JUDE MEDICAL ATG, INC., hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/659,951, which would extend beyond the expiration date (currently September 11, 2018, as extended) of the full statutory term of Patent No. 6,416,527.*

The undersigned, on behalf of ST. JUDE MEDICAL ATG, INC., agrees that any patent to be issued on the present Application No. 10/659,951 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said Patent No. 6,416,527, this agreement to run with any patent to be issued on Application No. 10/659,951 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of ST. JUDE MEDICAL ATG, INC., does not disclaim any terminal part of the term of any patent, to be issued on the above-identified Application No. 10/659,951, that would extend to the expiration date (currently September 11, 2018, as extended) of the full statutory term of Patent No. 6,416,527,* in the event that

* It is applicants' and assignee's intention that if any change in the patent statutes delays the expiration of Patent No. 6,416,527, or if Patent No. 6,416,527 is hereafter awarded further patent term extension under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the parent patent.

Patent No. 6,416,527: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an attorney of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified Application No. 10/659,951 is in assignee.

ST. JUDE MEDICAL ATG, INC.

/Jeffrey H. Ingerman/

February 20, 2008
Date

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